IN THE HIGHCOURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 12th day of November 2003
Bail application No. 942 of 2003
Order on the bail application of the accused.

CRIMINAL SIDE

1. Nirval Singh S/o Balwant Singh,
2. Inderjeet Singh S/o Balwant Singh,
   R/o Village Dohari
   Police Station Sitarganj,
   District Udham Singh Nagar ----------Applicant.

Versus

State of Uttaranchal. ------Opposite. Party.

Arising out of case crime no. 124-A of 2003
Under Sections 302,307 323,324,504,506 I.P.C./307 P.C.
Police Station Sitarganj
District –Udham Singh Nagar.

By the Court

Hon'ble M.M. Ghildiyal J.

Heard learned counsel for the applicant and learned A.G.A. and Sri Manav Sharma learned counsel for the complainant.

The first bail application was rejected by me on 06.06.2003. This is second bail application. The learned counsel for the applicants has submitted that in the cross case the other party has been granted bail on 29.05.2003 by another bench of this court and this fact could not be brought to the kind notice of the Hon'ble Court at the time of first bail application. In view of the settled law that when there are cross cases and one party has been released on bail the other party has to be released on bail. The learned counsel applicants has cited a decision of Allahabad High Court in the case of Jaswant Singh Vs. State, reported in 1977 ACC Page 302 and 1996 Supreme Court Page 2176 Kashmira Singh Vs. Dhuman Singh the applicants are entitled to bail.

Let the applicants Nirval Singh and Inderjeet Singh be released on bail on their executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. Udham Singh Nagar.

12.11.2003:
MPS

(M.M. Ghildiyal J.)